

Applicant: Robert E. Reiter et al.
U.S. Serial No.: 09/855,153
Filed: May 14, 2001
Page 7

REMARKS

Claims 53 and 55-85 were pending in the subject application. Claims 53 and 55-69 are allowed. Applicants have amended claims 70-85 and added new claim 86. The amendments to the claims present no new matter and are supported by the specification and the originally filed claims. Accordingly, claims 53 and 55-86 are now being examined.

Support for amended claim 70 can be found in the originally filed specification for example, at page 14, lines 21-28; page 27, lines 23-24; page 44, lines 15-19; page 127, lines 1-11; page 128, lines 26-31 continuing to page 129, lines 1-3; and Figure 50.

Claims 71-85 are dependent upon claim 70, and have been amended to include the term "fusion protein" for which there is antecedent basis in claim 70.

Support for new claim 86 can be found in the originally filed specification, for example, at page 14, lines 21-28; page 44, lines 15-19; page 127, lines 6-11; and page 128, lines 26-31 continuing on to page 129, lines 1-3.

REJECTIONS WITHDRAWN

In paragraphs 6-8, the Examiner noted rejections previously made that have now been withdrawn. Applicants acknowledge and thank the Examiner for consideration of their arguments and withdrawal of the following rejections:

- Claim 54 under 35 U.S.C. §112, second paragraph;
- Claim 53 under 35 U.S.C. §112, first paragraph; and
- Claims 53 and 54 under 35 U.S.C. §102(e) as being anticipated by Au-Young.

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U.S. Serial No.: 09/855,153
Filed: May 14, 2001
Page 8

had possession of the claimed invention.” Id. More specifically, the Examiner stated that the specification does not support “fusion proteins of the recited residues to just any amino acids. In fact figure 50 does not support the PSCA fused to an amino acids because c-myc is a protein . . .” Id.

In response, Applicants have amended claim 70, from which claims 71-85 depend and added new claim 86. Claim 70 now recites a fusion protein consisting of a PSCA protein fragment fused to a heterologous protein. ‘Heterologous protein’ is supported by the specification, as discussed by Applicant in a previous amendment dated March 25, 2003, and as noted in the Examiner’s rejection, i.e., support can be found at pages 46-47, lines 12-17 and Figure 50.

In view of the amendments made to the claims, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 70-85 under 35 U.S.C. §112, first paragraph.

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U.S. Serial No.: 09/855,153

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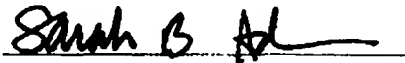
Page 9

CONCLUSION

In view of the Applicants' above amendments and responses to the Examiner's rejection of the claims of the subject application, Applicants contend that the subject application, is in condition for allowance. Accordingly, Applicants request issuance of a notice of allowance.

No fee is due in connection with this Amendment. However, if a fee is deemed necessary, applicants authorize the Patent Office to charge the fee to the Deposit Account No. 50-0306.

Respectfully submitted,



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